

FACTS
AND
DOCUMENTS,
RELATING TO THE
STATE OF THE CONTROVERSY,
BETWEEN
AMERICA AND GREAT BRITAIN ;
AND THE
DISPOSITIONS
OF THE
TWO CABINETS TO MAKE PEACE.

Collected for the use of the American People.

BY A FRIEND OF TRUTH,
AND OF HONORABLE PEACE.

BOSTON ;
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FACTS AND DOCUMENTS, &c.

Extract of a letter from Thomas Jefferson, Esq. secretary of state, under the direction of GEORGE WASHINGTON, President of the United States, to Thomas Pinckney, minister plenipotentiary of the United States at London, dated

“DEPARTMENT OF STATE—JULY 11, 1792.

“THE peculiar custom in England of Impressing Seamen on every appearance of war, will occasionally expose our seamen to peculiar oppressions and vexations. It will be expedient that you take proper opportunities, in the mean time, of conferring with the minister on this subject, in order to form some arrangement for the protection of our seamen on those occasions. We entirely reject the mode which was the subject of a conversation between Mr. Morris and him, which was, that our seamen should always carry about them certificates of their citizenship : *This is a condition never yet submitted to by any nation ;* one with which seamen would never have the precaution to comply : the casualties of their calling would expose them to the constant destruction or loss of this paper evidence, and thus the British government would be armed with *legal authority* to impress the whole of our seamen. The simplest rule will be, that the vessel being American, shall be evidence that the seamen on board her are such. If they apprehend that our vessels might thus become asylums for the fugitives of their own nation from impress gangs, the number of men to be protected by a vessel may be limited by her tonnage, and one or two officers only be permitted to enter the vessel in order to examine the number on board ; but no press gang should be allowed ever to go on board an American vessel, till after it shall be found that there are more than their stipulated number on board, nor till after the master shall have refused to deliver the supernumeraries (to be named by himself) to the press officer who has come on board for that purpose ; and even then the American consul shall be called in. In order to urge a settlement of this point before a new occasion may arise, it may not be amiss to draw their attention to the *peculiar irritation excited on the last occasion, and the difficulty of avoiding our making immediate reprisals on their seamen here.* You will be so good as to communicate to me what shall pass on this subject, and it may be made an article of convention to be entered into either there or here.”

Extract of a letter from Thomas Jefferson, Esq. when Secretary of State, under the direction of GEORGE WASHINGTON, President of the United States, to Thomas Pinckney, minister plenipotentiary of the United States at London, dated October 12, 1792.

"I enclose you a copy of a letter from Messrs. Blow & Melhaddo, merchants of Virginia, complaining of the taking away of their sailors, on the coast of Africa, by the commander of a British armed vessel. So many instances of this kind have happened, that it is quite necessary that their government should explain themselves on the subject, and be led to disavow and punish such conduct. I leave to your discretion to endeavor to obtain this satisfaction by such friendly discussions as may be most likely to produce the desired effect, and secure to our commerce that protection *against British violence which it has never experienced from any other nation. No law forbids the seamen of any country to engage, in time of peace, on board a foreign vessel; no law authorises such seamen to break his contract, nor the armed vessels of his nation to interpose force for his rescue.*"*

*Such were the sentiments of the father of his country, GEORGE WASHINGTON, when he was President of the United States, concerning one of the subjects now in dispute between America and Great Britain. It seems that he even denied the right of England to impress British subjects, and demanded that the men who had done it should be punished.

Extract from the instructions given by Timothy Pickering, esquire, secretary of state, under the direction of WASHINGTON, the president of the United States, to Rufus King, esquire, dated

"DEPARTMENT OF STATE—JUNE 8, 1796.

"Among the articles left unadjusted, one of the most interesting nature regards the impressing of American seamen. Mr. Pinckney was instructed on this head, in June, 1792. You will there see that the mode prescribed by the late act of Congress, of certifying our seamen, was pointedly reprobated. The long but fruitless attempts which have been made to protect them from British impresses, prove that the subject is in its nature difficult.

"The simplest rule, as remarked to Mr. Pinckney, would be, that *the vessel being American, should be evidence that the seamen on board her are such.* But it will be an important point gained, if, on the *high seas*, our flag can protect those, of whatever nation, who shall sail under it. And for this, humanity as well as interest powerfully plead. Merchant vessels carry no more hands than their safety renders necessary. To withdraw any of them on the ocean, is to expose both lives and property to destruction. We have a right then to expect that the British government will make no difficulty in acceding to this very interesting provision. And the same motives should operate, with nearly equal force, to procure for us the like exemption in all the British colonies, but especially in the West Indies. In the latter, the consequence of an impress is the detention of the vessel: By the detention, the vessel is injured or destroyed by the worms, and the remnant of the crew exposed to the fatal diseases of the climate. Hence a longer detention ensues; the voyage becomes unprofitable, if not ruinous to the merchant, and humanity deploras the loss of many valuable lives. But there is another cogent reason for the absolute exemption from impresses in the British colonies. That the practice will be, as it always has been, attended with monstrous abuses: and the lu-

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preme power is so remote, the evils become irremediable before redress can even be sought for. To guard against abuses on the part of American citizens, every master of a vessel, on his arrival in any port of the British colonies, may be required to report his crew at the proper office. If afterwards any addition be made to them by *British subjects*, these may be taken away. In the ports of Great Britain and Ireland, the impress of *British subjects* found on board our vessels must doubtless be admitted. But this should be controlled by regulations to prevent insults and injuries, and to administer prompt relief where American citizens (which will assuredly happen) shall be mistaken for British subjects.

Mr. Pickering, under the direction of president WASHINGTON, to Mr. King, dated—"DEPARTMENT OF STATE, September 10, 1796.

"I enclose a letter from Francis S. Taylor, deputy collector of Norfolk, relative to four impressed seamen. It appears to be written with candor, and merits attention. If, as the captain of the *Prevoyante* (Wemyss) says, the *dignity* of the British government will not permit an enquiry on board their ships for American seamen, their doom is fixed for the war: and thus the rights of an independent neutral nation are to be sacrificed to *British dignity*! Justice requires that such inquiries and examinations should be made, because the liberation of our seamen will otherwise be impossible. For the British government then, to make professions of respect to the rights of our citizens, and willingness to release them, and yet deny the only means of ascertaining those rights, is an insulting tantalism. If such orders have been given to the British commanders, (and Mr. Liston's communication, in the conversation of which I sent you a copy in my letter of the 31st ult. countenances the idea) the agency of Col. Talbot and Mr. Trumbull will be fruitless, and THE SOONER WE KNOW IT THE BETTER.* But I would fain hope other things; and if the British government have any regard to our rights, any respect for our nation, and place any value on our friendship, they will even facilitate to us the means of relieving our oppressed citizens. The subject of our impressed seamen makes a part of your instructions; but the president now renews his desire that their relief may engage your special attention.

I am, sir, &c.

TIMOTHY PICKERING.

(Signed)

Rufus King, Esq. &c. &c.

* By this, and other parts of the correspondence, it would seem, that Mr. Pickering, and also president Washington, under whose special direction this letter was written, were both of the opinion, that a war ought to and probably would take place between the two countries, upon the subject of Impressment.

Extract of a letter from Mr. Pickering, under the direction of president Washington, to Mr. King, dated—"DEPARTMENT OF STATE, October 26, 1796.

"I think it is mentioned in your instructions that the British naval officers often impress Swedes, Danes, and other foreigners, from the vessels of the United States: THEY HAVE EVEN SOMETIMES IMPRESSED FRENCH-

MEN. If there should be time to make out a copy of a protest lately received, it shall be enclosed, describing the *impress of a Dane and a Portuguese*. This surely is an abuse easy to correct. They cannot pretend an inability to distinguish these foreigners from their own subjects: and they may with as much reason rob American vessels of the property or merchandize of Swedes, Danes and Portuguese, as seize and detain in their service the subjects of those nations found on board American vessels. The president is extremely anxious to have this business of impresses placed on a reasonable footing."

Extract of a letter from Mr. Pickering, secretary of state, under the direction of president ADAMS, to Silas Talbot, esquire.

"DEPARTMENT OF STATE—August 15, 1797.

"I was pleased with your success in obtaining relief for so many American seamen, as mentioned in your several letters: but your last, containing the orders of Admiral Parker to his captains *no longer to obey the writs of habeas corpus*, gave me much uneasiness. Yesterday I gave those letters to the British minister, Mr. Liston; and wish he may do something to afford you a prospect of further success: but I fear, notwithstanding he is perfectly well disposed to administer relief, that his remonstrances or requests will have too little effect. I shall transmit copies of these letters to Mr. King, our minister in London, to lay before the British ministry. If any naval officers shall have committed such an outrage on any American seamen as *to bring them to the gangway*, as you mention, or to inflict any kind of punishment on them, especially *for seeking opportunities to inform you of their situation*, for the purpose of obtaining the just relief to which they are entitled, pray endeavor to get proper proofs of the fact, that I may make it the subject of a special representation to the British government."

Extract of a letter to Rufus King, esquire, from the secretary of state, dated—

"TRENTON, October 8 1797.

"Lord Grenville's observations on the act of Congress for the relief and protection of American seamen, present difficulties which demand consideration at the ensuing session. But your reasoning, in your letter to his lordship of the 30th of last November, is conclusive against the British pretences to retain real American seamen who are married in their dominions, or who have voluntarily entered on board British vessels. *It behoves the honor and faith of the British government to adhere to their principle on natural allegiance wholly, or to renounce it wholly*: and an answer on this point would have become his lordship's candor.

"I consider colonel Talbot's agency in the West Indies to be no longer very important. The rigid conduct of admiral sir Hyde Parker, (who from the beginning has thrown obstacles in the way) leaves but little room to get our seamen released. The opposition of the officers in general, induced col. Talbot to take out writs of habeas cor-

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pus at Jamaica, by which, directly, or in their consequences, he obtained the discharge of near FIFTY SEAMEN; but admiral Parker has some time past forbidden his officers to pay any obedience to such writs; and col. Talbot informs me that SOME OF OUR SEAMEN HAVE BEEN PUNISHED FOR ATTEMPTING TO SEND LETTERS TO HIM TO INFORM OF THEIR SITUATION. Mr. Liston has assured me that the British officers have orders not to impress any American seamen, and of course not to retain against their will any already impressed: but if they persist in obstructing every channel of information and proof of their citizenship, such orders are and will continue deceptive."

The Secretary of State to the President of the United States.—DEPARTMENT OF STATE—February, 20, 1800.

The secretary has the honor to lay before the president—

Mr. Liston's note of the 4th February, together with his *project of a treaty* for the reciprocal delivery of deserters; which appears to the secretary *utterly inadmissible, unless it would put an end to impressments*, which Mr. Liston seemed to imagine, while the 7th paragraph of his project expressly recognizes the right of impressing British subjects, and consequently American citizens, as at present.

(Signed)

TIMOTHY PICKERING.*

* By this it would seem that no treaty with England would be satisfactory to Mr. Pickering "unless it would put an end to impressments." And that, in his opinion, every "project of a treaty" with that nation ought to be *rejected*—which did not expressly stipulate against, and "put an end to impressments."

Extract of a letter from John Marshall, esquire,* secretary of state, to Rufus King, minister plenipotentiary of the United States at London, dated—
"DEPARTMENT OF STATE—September 20, 1800.

"The impressment of our seamen is an injury of very serious magnitude, which deeply affects the feelings and the honor of the nation.

"This valuable class of men is composed of natives and foreigners who engage voluntarily in our service.

"No right has been asserted to impress the natives of America. Yet they are impressed, they are dragged on board British ships of war, with the evidence of citizenship in their hands, and forced by violence there to serve, until conclusive testimonials of their birth can be obtained.—These must most generally be sought for on this side the Atlantic. In the mean time acknowledged violence is practised on a free citizen of the United States, by compelling him to engage, and to continue in foreign service. Although the lords of the Admiralty uniformly direct their discharge on the production of this testimony, yet many must perish unrelieved, and all are detained a considerable time in lawless and injurious confinement.

"It is the duty as well as the right of a friendly nation, to require that measures be taken by the British government to prevent the continued

repetition of such violence by its agents. This can only be done by punishing and frowning on those who perpetrate it. The mere release of the injured, after a long course of service and of suffering, is no compensation for the past, and no security for the future. It is impossible not to believe, that the decisive interference of the government in this respect, would prevent a practice, the continuance of *which must inevitably produce discord between two nations* which ought to be the friends of each other.

"Those seamen who, born in a foreign country, have been adopted by this, were either the subjects of Britain or some other power.

"The right to impress those who were British subjects has been asserted, and the right to impress those of every other nation has not been disclaimed.

"Neither the one practice nor the other can be justified.

"With the naturalization of foreigners, no other nation can interfere further than the rights of that other are affected. The rights of Britain are certainly not affected by the naturalization of other than British subjects. Consequently those persons who, according to our laws, are citizens, must be so considered by Britain, and by every other power not having a conflicting claim to the person.

"The United States therefore require positively, that their seamen, who are not British subjects, whether born in America or elsewhere, shall be exempt from impressments.

"The case of British subjects, whether naturalized or not, is more questionable; but the right even to impress them is denied. *The practice of the British government itself, may certainly in a controversy, with that government, be relied on. The privileges it claims and exercises ought to be ceded to others. To deny this would be to deny the equality of nations, and to make it a question of power and not of right.*

"If the practice of the British government may be quoted, that practice is to maintain and defend in their sea service, all those, of any nation, who have voluntarily engaged in it, or who, according to their laws, have become British subjects.

"Alien seamen, not British subjects, engaged in our merchant service, ought to be equally exempt with citizens from impressments: we have a right to engage them, and have a right to and an interest in their persons to the extent of the service contracted to be performed. Britain has no pretext of right to their persons or to their service. To tear them, then, from our possession, is at the same time an insult and an injury. It is an act of violence for which there exists no palliative.

"We know well that the difficulty of distinguishing between native Americans and British subjects has been used, with respect to natives, as an apology for the injuries complained of. It is not pretended that this apology can be extended to the case of foreigners, and even with respect to natives we doubt the existence of the difficulty alleged. We know well that among that class of people who are seamen, we can readily distinguish between a native American and a person raised to manhood in Great Britain or Ireland; and we do not perceive any reason why the capacity of making this distinction should not be possessed

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"If, therefore, no regulation can be formed which shall effectually secure all seamen on board American merchantmen, we have a right to expect from the justice of the British government, from its regard for the friendship of the United States and its own honor, that it will manifest the sincerity of its wishes to repress this offence, by punishing those who commit it.

"We hope, however, that an agreement may be entered into satisfactory and beneficial to both parties. The article which appears to have been transmitted by my predecessor, while it satisfies this country, will probably restore to the naval service of Britain a greater number of seamen than will be lost by it. Should we even be mistaken in this calculation, yet the difference cannot be put in competition with the mischief which may result from the irritation justly excited, by this practice, throughout the United States. The extent and the justice of the resentments it produces, may be estimated, in Britain, by inquiring what impressions would be made on them by similar conduct on the part of this government.

"Should we impress from the merchant service of Britain, not only Americans but foreigners, and even British subjects, how long would such a course of injury unredressed be permitted to pass unrevenged? How long would the government be content with unsuccessful remonstrance and unavailing memorials? I believe, sir, that only the most prompt correction of, compensation for, the abuse, would be admitted as satisfaction in such a case.

"If the principles of this government forbid it to retaliate by impressions, there is yet another mode which might be resorted to. We might authorize our ships of war, though not to impress, yet to recruit sailors on board British merchantmen. Such are the inducements to enter into our naval service that we believe even this practice would very seriously affect the navigation of Britain. How, sir, would it be received by the British nation?

"Is it not more advisable to desist from, and to take effectual measures to prevent, an acknowledged wrong, than by perseverance in that wrong to excite against themselves the well founded resentments of America, and force our government into measures which may very possibly terminate in an open rupture."

Extract of a note from Mr. King, minister plenipotentiary of the United States at London, to lord Grenville, dated—"LONDON, Great Cumberland Place—November 30, 1793.

"In your lordship's letter of the 21st of September, in answer to my application for the discharge of Maxwell, an American citizen, impressed and detained on board his majesty's ship Sandwich, the reason assigned against his discharge is "that he is married and settled at Bristol;" and I understand that the orders of the lords commissioners of the admiralty for the discharge of American seamen usually contain a proviso, that the discharge is not to operate in favor of any person who has entered on board of any of his majesty's ships, or who is married or settled within any of his majesty's dominions. Without admitting, or contesting, on this occasion, the rule of English law, that a subject can-

not divest himself of his natural allegiance, I take the liberty to request your lordship's attention to the diversity of practice, so much to the disadvantage of the American citizens, that prevails in the application of this rule.

"If Great Britain requires the acquiescence of foreign nations in this law, so far as regards the requisition of her subjects married and settled abroad, or voluntarily engaged in foreign service, *is she not bound to observe it in like manner herself, in respect to the subjects of foreign powers, under similar circumstances, in her service or within her dominions?* If to the demand of a foreigner in her service by the nation to which he belongs, Great Britain answers, that such foreigner cannot be delivered, because he has voluntarily engaged to serve his majesty, or is married or is settled within his majesty's dominions, is she not bound by her own principles to admit the validity of the same answer from such foreign nation, when she requires the surrender of British subjects found in a similar predicament in the service or within the territory of such foreign nation? Justice, which is always impartial, furnishes the proper answer to these questions.

"Admitting, then, that the voluntary contract of an American citizen to serve on board a British ship, or the marriage or settlement of such a citizen within his majesty's dominions, is the foundation of a right in his majesty's government to refuse the requisition of the United States of America, that such citizen should be discharged from his majesty's service, do we not thereby *establish a principle that at once condemns and puts an end to the practice of his majesty's naval officers in entering American ships, in search of and for the purpose of impressing British seamen, since all seamen found on board such ships are there of choice and by voluntary contract to serve in the American employ?*

"But if neither of these circumstances can be considered as justly giving a right to his majesty's government to refuse the discharge of American citizens, does it not result that the usual proviso connected with the orders for the discharge of such citizens, and which is assigned as a reason against the discharge of John Maxwell, is without any just foundation, and consequently operates to the disadvantage and injury of the American citizens.

Extract of a letter from Rufus King, esquire, to the secretary of state, dated—
"LONDON, April 13, 1797.

"It was before my arrival that lord Grenville had expressed to Mr. Pinckney a dissatisfaction with the practice of granting protections to American seamen by our consuls.

"Before I received your opinion on this subject, lord Grenville had written me a letter, in which this branch of the consular power is denied, and notice given to us that the practice must be discontinued. A copy of this letter, and of mine transmitting it to our several consuls, I had the honor to send you with my letter of the 10th of December.—Previous to the communication of this resolution of the British government, it had been notified to Mr. Pinckney, that all applications for the discharge of American seamen impressed into the British service,

from the American consuls, as had been customary. One consequence of this regulation has been, that the subject in all its details has come under my observation, and its importance, I confess, is much greater than I had supposed it. Instead of a few, and those in many instances equivocal cases, I have, since the month of July past * made application for the discharge from the British men of war of 271 seamen, who, stating themselves to be Americans, have claimed my interference: Of this number 86 have been ordered by the admiralty to be discharged; 37 more have been detained as British subjects, or as American volunteers, or for want of proof that they are Americans; and to my applications for the discharge of the remaining 148, I have received no answer; the ships on board of which these seamen were detained, having in many instances, sailed before an examination was made in consequence of my applications.†

"It is certain that some of those who have applied to me are not American citizens, but the exceptions are, in my opinion, few, and the evidence, exclusive of certificates, has been such as, in most cases, to satisfy me, that the applicants were real Americans, who have been forced into the British service, and who, with singular constancy, have generally persevered in refusing pay and bounty, though in some instances they have been in service more than two years. As the applications for my aid seemed to increase, after the suspension of the consular power to grant protections (owing to the exposed situation of our seamen in consequence of the denial of this power,) I judged it advisable, though I saw little prospect of any permanent agreement, to attempt to obtain the consent of this government, that, under certain regulations, our consuls should again be authorized to grant certificates of citizenship to our seamen. My letter to lord Grenville and his answer you have enclosed.

"I likewise send you the copy of another letter, to which I have received no answer, that I wrote to lord Grenville in order to expose the inconsistency with the laws and principles of British allegiance of a rule by which acknowledged Americans are detained in the British service."

* A period of about eight months only.

† By the report of the secretary of state, to congress dated Jan. 15, 1812, and other documents and evidence then before congress; it appeared that at that time there were SIX THOUSAND TWO HUNDRED AND FIFTY SEVEN impressed Americans in the service of England.

Extract of a letter from Rufus King, Esq. minister plenipotentiary of the United States, to the Secretary of State, dated

"LONDON, MARCH 15, 1799.

"I then mentioned our dissatisfaction with the continuation of the practice of taking out of our ships, met on the main ocean, such of their crews as did not possess certificates of American citizenship; denying, as I had often done in former conferences upon the same subject, any right on the part of Great Britain upon which the practice could be founded, and suggesting that our ships of war, by permission of our government, might with equal right pursue the same practice towards their merchantmen.

"That not only seamen who spoke the English language, and who were evidently English or American subjects, but also all Danish, Swed-

disb, and other foreign seamen, who could not receive American protections, were indiscriminately taken from their voluntary service in our neutral employ and forced into the war in the naval service of Great Britain.

"That on this subject we had again and again offered to concur in a convention, which we thought practicable to be formed, and which should settle these questions in a manner that would be safe for England, and satisfactory to us.

"That to decline such convention, and to persist in a practice which we were persuaded could not be vindicated, especially to the extent to which it was carried, seemed less equitable and moderate than we tho't we had a right to expect.

"Lord Grenville stated no precise principle upon which he supposed this practice could be justified, and the conversation upon this point, like many others upon the same subject, ended without a prospect of satisfaction. *The French and Spaniards, and every other nation, might pursue the same conduct as rightfully as Great Britain does.* With respect to foreign seamen in our employ, this government has, if I recollect, yielded the point, though their officers continue the practice. We are assured that all Americans shall be discharged on application for that purpose, and that orders to this effect have been given to their naval commanders; but this is far short of satisfaction—indeed, *to acquiesce in it, is to give up the right.*"

REMARK.

From these Letters, it appears, that the extent of the injury of IMPRESSMENT was "much greater" to America, than Mr. King, or the American People generally, "had supposed it;" that the *practice of England militates with her own principles*, in demanding men naturalized by other nations, while she refuses to give up those naturalized by herself—That although the cabinet of Great Britain can assign no "*principle*" to justify her claim of impressments from on board our ships, yet they are determined to continue the practice in its whole extent and with all its aggravations, and our minister *despairs of obtaining any satisfaction*; that all further negotiation upon the subject would be futile; and that America must forever submit to this novel and *unprincipled* claim, this intolerable injury, insult and degradation, or make the *last and glorious appeal* in defence of its honor and independence, and of the *equality of nations*.

This claim of Great Britain was first *invented* by her, to be applied to this country after its emancipation and *acknowledged* independence; and undoubtedly arose from a desire, on her part, of saving something from the pieces of the wreck of her empire, which then seemed crumbling to its base. She gave us our Independence upon *the land*; while, contrary to her express *acknowledgment*, she continued to compel and se-

cure our services upon *the ocean*. WASHINGTON saw the tendency of this claim to national degradation, and *remonstrated* against it; in his opinion we were *then* too feeble to wage another war. ADAMS saw it, and *remonstrated*. JEFFERSON likewise saw it, and *remonstrated*. In the mean time the nation revived from the distresses and privations of the Revolutionary war; it increased in numbers and opulence, and became powerful; circumstances in Europe changed, and the policy of our government changed with them; strong prospects of success revived the hopes of America; and it remained for President MADISON to take that step, in our national policy, which *all his predecessors saw must finally be taken*, and ardently longed for the time, when by reason of the increasing strength of our nation and a change of circumstances, it could be taken with a reasonable expectation of an *honorable peace*. What the fathers of our country, Washington, Adams, Jefferson, and their copatriots have prophesied as essential to the complete emancipation of America, our present Congress have had the policy and courage to declare, *a war with Great Britain*. And, by this measure they have only met the war *on one side*, which England has been so long unjustly waging against this country.

Practical Operation of Impressments,

As exhibited in the official returns of the American Consul in London.

An Abstract to the Return or List of American seamen and citizens who have been impressed and held on board his Britannic Majesty's ships of war, from 1st July to 30th September, 1810 inclusively.

Discharged and ordered to be discharged		Refused to be discharged, documents insufficient.		Protections from Consuls and Vice Consuls	
	70				14
Having no documents	32			Notarial affidavits made in the United States	9
Being Natives of the United Kingdom	28			Do. do. England	8
Do. West Indies	1			Collectors Protections	2
Do. Africa	1			Admiralty Protections	1
Do Imposters	2			Indentures	1
Having fraudulent protections	3			Documents from the Department of State	10
Being ignorant of the U. S.	4			Cannot ascertain the names of the ships on board of which men are serving	13
Not answering the description given in their protections	13			Not on board the ships as stated	9
Having voluntarily entered	14			Deferted	7
Stated to be married in the U. Kingdom	3			Drowned	2
Having been taken in private of the enemy	6			Died	2
No reason assigned	2			Killed	1
Being a deserter	1			Invalided	3
Being a native of Prussia	1			On board ships on foreign stations	59
Not being Americana	2			Applications unanswered	1

Clerk's Office, House of Representatives of the United States.

I certify, that the foregoing is a true copy of the abstract G. contained in the message from the President of the United States, transmitting a report from the Secretary of State, on the subjects of impressments, of the 15th Jan. 1812, the original whereof is now on file in my office.

In witness whereof, I have hereunto set my hand and affixed the seal of my office, the 12th November, in the year of our Lord one thousand
(SEAL) eight hundred and twelve, and of the Independence of the United States the thirty-seventh.

P. MAGRUDER, C. H. R. U. S.

It will be observed that this number of 325 Mariners were all impressed from on board of American vessels, during the short period of **THREE** months. And if the operation of the British practice of Impressment be so *destructive* upon our fellow-citizens, in the short space of *three months*, what would it be in the course of years, during the whole continuance of a war, and upon our posterity forever? Let the honest and indignant feelings of our happy Yeomanry, who love *justice* between nations as well as individuals, determine.

Extract of the Proclamation of the President restoring commercial intercourse with Great Britain, and leaving our statute of Nonintercourse in force as to France, agreeably to the arrangement made with Mr. Erskine, the minister Plenipotentiary of Great Britain.

By the President of the United States of America.

A PROCLAMATION.—Whereas the honourable David Montague Erskine, his Britannic majesty's envoy extraordinary and minister plenipotentiary, has, by the order and in the name of his sovereign, declared to this government, that the British orders in council of January and November 1807, will have been withdrawn as respects the United States, on the tenth day of June next. Now, therefore, I JAMES MADISON, president of the United States, do hereby proclaim, that the orders in council aforesaid will have been withdrawn on the said tenth day of June next; after which day the trade of the United States with Great Britain, as suspended by the act of Congress above mentioned, and an act laying an embargo on all ships and vessels in the ports and harbours of the United States, and the several acts supplementary thereto, may be renewed.

Given under my hand and seal of the United States, at Washington, the nineteenth day of April, in the year of our Lord, one
L. S. thousand eight hundred and nine, and of the Independence of the United States, the thirty-third.

JAMES MADISON.

By the President—RT. SMITH, Secretary of State.

The arrangement made with Mr. Erskine, and this proclamation of the President, issued conformably to that arrangement, show clearly the disposition of the American Cabinet to conclude a treaty with Great

Britain, whenever it can be done consistently with the interests, *safety*, and *honor* of America; & even to *go to war with France*, if such a measure should be necessary, to obtain indemnity for French spoliation upon our commerce, and to secure our maritime rights. And which arrangement, had it been ratified and carried into effect in good faith and honesty by Great Britain, would without doubt, have eventuated in a final and satisfactory settlement, with England, of all our differences, and in a vigorous war with the French Empire. This desire, in the American executive, of a settlement and peace with England, so satisfactorily exemplified by the *readiness* with which this arrangement was entered into on our part, is incontrovertible proof, and must satisfy every candid mind, of the impartiality of the American Cabinet toward the belligerents; and of the groundless nature and absurdity of the accusations of *French alliance*, *French partiality*, *secret understanding with Napoleon*, *prejudice against England*, and the whole string of invectives which have been so illiberally bestowed upon our Government by unprincipled hirelings throughout the Union. And why was not this arrangement carried into effect in good faith? Ask the *British* Cabinet; for George the 3d alone can answer the question. He put an end to the arrangement, and he alone is the cause, why America is not now at peace with England and at war with the French Emperor. The American Cabinet has never been accused of *infidelity* or a desire of breaking over this arrangement, so solemnly and amicably concluded.

Extract from Mr. KENT's speech in the last Congress, on the Army Bill.

What have been the propositions heretofore made by our government to Great Britain upon this subject? I find, by a recurrence to the correspondence of Messrs. Munroe and Pinckney with that government in 1806, that we made the following propositions. Here Mr. K. read the following proposals from the public documents of 1807-8. We offered—

- 1st. To afford no refuge or protection to British seamen.
- 2d. To deliver them up if they took refuge among us.
- 3d. To make laws for restoring them.
- 4th. To aid in searching for, seizing and restoring them.
- 5th. To keep them in our prisons when requested.
- 6th. To prohibit our citizens from carrying them off.
- 7th. To prohibit their employment.
- 8th. To make penal laws for punishing their employers.
- 9th. To make it our duty to restore them.
- 10th. To extend the foregoing provisions not only to deserters, but to all sea-faring people.

These propositions went completely to secure to Great Britain the services of all her sea-faring subjects, except such as were naturalized under our laws, which amounted to but few indeed; thirteen hundred British seamen only having been naturalized since the commencement of our government, and in all probability an equal number of our seamen have been naturalized by Great Britain during the same period.—

Yet to my astonishment have I heard it stated during this debate, that our government had made no serious propositions to secure to Great Britain the services of her seamen.

But equitable as these propositions were, they were rejected. Notwithstanding, sir, our government, anxious in their pursuit after peace, have gone still further; they have, through our late Charge des Affaires in London (Mr. Russell) proposed to Great Britain to exclude from our naval service (as well public as private) all her seamen, including those which may hereafter be naturalized, and notwithstanding the liberality and justice of this proposal, it, like all others, has been made without producing the desired effect: And what more, sir, could have been asked of us, required, or granted, than is contained in these offers? Nothing more; unless, indeed, they had asked for our independence, and, yielding to the requisition, we had granted it. When an American vessel is at sea, it is amenable to no laws but those of its own country and the laws of nations; and where in either of those will the advocates for impressment find their justification? Sir, had not the practice of impressment been treated as a casual, a trivial circumstance, during this debate, I should not have presumed to trouble the House with my desultory remarks, and my principle object in addressing the House was to ask their attention to a document which appears to have been overlooked, and which, if necessary, will place the abomination of that practice in colours too strong to be mistaken.

Here Mr. K. read the following extract of a letter from the Secretary of State to Mr. Monroe, dated January 4, 1804—

"The whole number of applications made by impressed seamen to our Consul in London between the month of June '97 and September 1801, were two thousand and fifty nine. Of this number an hundred and two seamen only were detained as British subjects; which is less than one-twentieth of the whole number impressed. Eleven hundred and forty-two were discharged, or ordered to be so, and eight hundred and five were detained for further proof with the strongest presumption that the greater part, if not the whole were Americans, or other aliens whose proof of citizenship had been lost or destroyed."

It is then evident from this document, that for every British seaman obtained by this violent proceeding, a number of Americans or other aliens with whom Great Britain has no right to meddle, not less than twenty for one, have been the victims to it. Sir, have we become so lost to the real independence and sovereignty of the country, that we are prepared to yield to this degrading, debasing and humiliating badge of vassalage.

The Romans of old had a practice of making the governors of those countries they conquered pass annually beneath their yoke as a mark of submission, but we, doomed to humiliation far greater, are made to pass daily, nay hourly, beneath one much more galling.

REJECTED TREATY.

By some it is said that all our evils, if we have evils to complain of, flow from the single circumstance of the rejection of the *Treaty* smuggled into this country in the year 1806, by the British Ministry. A

mere examination of that Treaty will satisfy every American of the ruinous consequences that would have resulted to this Country from its ratification; and that the President acted as duty to his country required, in rejecting it. Let us only look at the circumstances under which that treaty was formed, the sentiments of our Ministers in England, then expressed to the British Commissioners, concerning it; and above all the highly objectionable, and indeed inadmissible, note of the British cabinet which accompanied it to America and which was to be deemed a part of the treaty if ratified by the two governments.

Extracts of a letter from the Secretary of State to Messrs. MONROE and PINKNEY, our Ministers at London, dated May 20, 1807.

The president continues to regard this subject in the light in which it has been pressed on the justice and friendship of Great Britain. He cannot reconcile it with his duty to our sea-faring citizens, or with the sensibility or sovereignty of the nation, to recognize even constructively, a principle that would expose on the high seas, their liberty, their lives, every thing in a word, that is dearest to the human heart, to the capricious or interested sentences which may be pronounced against their allegiance, by officers of a foreign government, whom neither the law of nations, nor even the laws of that government, will allow to decide on the ownership or character of the minutest article of property found in a like situation.

Without a provision against impressments, substantially such as is contemplated in your original instructions, no treaty is to be concluded.

From this communication, and from the letter of Messrs. Monroe and Pinkney, published by order of Congress, with the documents (containing the treaty which was rejected and the correspondence relating to it,) it would appear, that positive instructions had been given to our ministers, not to conclude a treaty, unless a provision should be made against impressments. And yet in their letter dated 3d Jan. 1807, upon the subject of the treaty sent out to America, they say—"We are sorry to add that this treaty contains no provisions against the impressment of our seamen."

The British commissioners refused to insert a provision against impressments in the treaty; but in a note signed by Lords Holland and Auckland, directed to our ministers and dated Nov. 8, 1806, they give the American ministers the most positive assurances that a provision against impressments shall be made, *such as will come within the purview of their original instructions.*

Public Documents p. 117.

Upon the subject of these assurances of the British commissioners Messrs. Monroe and Pinkney say, "The time at which this note was presented to us, and the circumstances under which it was presented, being when the negotiation was absolutely at a stand on this very question, and we had informed the British commissioners, that we could do nothing if it was not provided for, give to this ACT a peculiar degree of solemnity and obligation. It was sent to us as a public paper, and intended that we should so consider it, and with the knowledge and approbation of the cabinet. It ought, therefore to be held as obligatory on the government, in its just import, as if the substance had been stipulated in a treaty." And in that view of it, the American Ministers signed the treaty. And in a letter dated December 27, 1806, they expressed a confi-

dence, that the arrangement would meet the approbation of their government. But, to the astonishment of every real American, the American ministers have to announce to their government, and to the world, *the bad faith of the British cabinet in REFUSING THE ABOVE REASONABLE ARRANGEMENT.* In their letter dated April 22, 1807, they say, "We had many conferences with the British commissioners, previous to the late change, upon the subject of impressments, in which they invariably declared to us, that the practice of their government would be strictly conformable to the spirit of the *article*, which they had settled with us; and *which was afterwards REJECTED BY THE CABINET.* They stated that the prejudice of the navy, and of the country generally, was so strong in favour of their PRETENSIONS that the ministry could not encounter it in a direct form, and that, in truth, the support of Parliament could not have been relied on, in such a case."

Who, after this candid developement of facts, can say, that Great Britain has always been ready honorably to settle the important dispute which relates to the impressment of American Seamen? Who can now wonder, that the treaty was rejected, when the faith of the British cabinet was so shamefully violated? Where is the man, in whose bosom beats an American heart, who can believe that the American government would ratify the treaty, when Mr. Monroe and Mr. Pinkney are both led to doubt. In their letter, last quoted, they say, "We stated, however, (to Mr. Canning in conversation) that we had *great reason* to believe that the *treaty would not be ratified* in its present form, for causes which were well known to his majesty's late government. We then communicated to him fully all the circumstances on which that remark was founded; particularly the nature of our instructions, relative to impressments; the knowledge which the British commissioners had of them; the entire suspension of the negotiation at a certain period, on the failure with the Cabinet, of a project of an article for the regulation of that point. And finally, the condition on which we did proceed in the business, that is, *that our government would not be bound to ratify the treaty*, if it should not be satisfied with the substitute for such an article offered in that note."

The British Commissioners having been thus *expressly notified*, that our ministers had not acted conformably to their instructions, in signing a treaty, without a stipulation against the impressment of our seamen, and also an express reservation having been made at the time of such signature, "that the American government would not be bound to ratify the treaty if it should not be satisfied with the substitute" offered in the note; the British Cabinet have therefore, no reason to complain, on their part, of the rejection of the treaty by our government. And this very note proposed by the British Commissioners, as a substitute for an article in the treaty, upon the subject of impressments, having been disavowed and *rejected by the ministry* of Great Britain, left this most important subject of impressment wholly without stipulation. And if the treaty had been ratified by our government, under such circumstances, our mariners would have been altogether abandoned to the mercy of England, and her pretended right to impress men, from on board our

ships at sea, thereby, *acknowledged*. And such acknowledgment was undoubtedly the great object of the British Cabinet, during the whole tr in of this *strange and equivocal* negotiation. And it is due to the great foresight, discernment, and patriotism of the American Cabinet, that this treaty has been rejected, and that our fellow citizens have not been abandoned.

Another cause, however, and if possible a more important one, for the rejection of this treaty, yet remains to be considered. An objection to the treaty *altogether insurmountable*. Just before the treaty was sent out to America for ratification, Lords Holland and Auckland communicated to our ministers a written note, of which the following is an extract.

London, December 31, 1806.

The undersigned Henry Richard Vassall Lord Holland, and William Lord Auckland, plenipotentiaries of his Britannic majesty, have the honor to inform James Monroe and William Pinkney, commissioners extraordinary and plenipotentiaries of the United States of America, that they are now ready to proceed to the signature of the treaty of amity, commerce and navigation, on the articles of which they have mutually agreed.

But at the same time, they have it in command from his majesty, to call the attention of the commissioners of the United States, to some extraordinary proceedings which have lately taken place on the continent of Europe, and to communicate to them officially the sentiments of his majesty's government thereupon.

The proceedings alluded to are certain declarations and orders of the French government issued at Berlin on the 21st of November last.

If however the enemy should carry these threats into execution, and if neutral nations, contrary to all expectation, should acquiesce in such usurpations, his majesty might probably be compelled, however reluctantly, to retaliate in his just defence, and to *adapt, in regard to the commerce of neutral nations with his enemies, the same measures which those nations shall have permitted to be enforced against their commerce with his subjects*. The commissioners of the United States will therefore feel, that at a moment when his majesty and all neutral nations are threatened with such an extension of the belligerent pretensions of his enemies, he cannot enter into the stipulations of the present treaty, without an explanation from the United States, of their intentions, or a reservation on the part of his majesty in the case abovementioned, if it should ever occur.

The undersigned considering that the distance of the American government renders an immediate explanation on this subject impossible, and animated by a desire of forwarding the beneficial work in which they are engaged, are authorized by his majesty to conclude the treaty without delay. They proceed to the signature under the full persuasion that before the treaty shall be returned from America with the ratification of the United States, the enemy will either have formally abandoned or tacitly relinquished his unjust pretensions, or that the government of the United States, by its conduct or assurances, will have given security to his majesty that it will not submit to such innovations in the established system of maritime law: and the undersigned have presented this note from an anxious wish that it should be clearly understood on both sides, that *without such an abandonment on the part of the enemy, or such assurances, or such conduct on the part of the United States, his majesty will not consider himself bound by the present sig-*

nature of his commissioners to ratify the treaty, or precluded from adopting such measures as may seem necessary for counteracting the designs of his enemy.

(Signed)

VASSAL HOLLAND,
AUCKLAND.

To James Monroe, Esq. &c. &c.

William Pinkney, Esq. &c. &c.

In what view our ministers at London considered this note, will appear by their letter to our government.

Extract of a letter from Messrs. Monroe and Pinkney, dated Jan. 3, 1807.

We replied in very explicit terms to the British commissioners that *we considered their proposition altogether inadmissible on our part, and not likely to accomplish, if we could agree to it, the object which they contemplated by it*: that such a proposition to our government, under the circumstances attending it, would amount, in substance, to an offer to it of the alternative between the treaty, and a war with France, since if our government refused to give the satisfaction which they desired, the treaty would be lost; and if such satisfaction was given and the treaty concluded, and France should persist to execute her decree, according to the construction given of it here, war seemed to be inevitable.

In transmitting to you this paper, it is our duty to observe that *we do not consider ourselves a party to it, or as having given it in any the slightest degree our sanction.*

Had the proposition contained in this formal note of the British Commissioners been sanctioned by our government, as it would have been by a ratification of the treaty, the American Cabinet would thereby have *expressly* recognized the pretended right, claimed by Great Britain, of retaliating THROUGH NEUTRALS the wrongs of the belligerents. Which is the very preposterous doctrine lately advanced by England, that *a neutral who is compelled to suffer a wrong from one of the belligerents, thereby gives a right to the other belligerent to inflict upon the same neutral a similar or an equal wrong.* A monstrous doctrine, which no neutral will ever recognize or submit to, who has any sense of justice; any regard to her own honor; or any power to defend her rights. The recognition of such a principle, would be, to place neutrals, on all occasions, at the mercy of other nations, *without the right of complaining*; and to make them, as it were, *Foot-balls*, to be beaten and buffeted on both sides, and kicked to and fro, for the sport of the belligerents.

Since the Declaration of War, to evince their sincere desire of an honorable peace with England, and in order if possible to obtain so important an object, our government have at several different times, made propositions for an armistice, on *reasonable and fair terms, through the medium of their agents.* One of which will appear by the following,

Extract of a letter from Mr. Russell to Lord Castlereagh, dated London, 24th August, 1812.

My Lord—It is only necessary, I trust, to call the attention of your Lordship to a review of the conduct of the government of the United States, to prove in-

controvertibly its unceasing anxiety to maintain the relations of peace and friendship with Great Britain. Its patience in suffering the many wrongs which it has received, and its perseverance in endeavoring by amicable means to obtain redress are known to the world. Despairing, at length, of receiving this redress from the justice of the British government, to which it had so often applied in vain, and feeling that a further forbearance would be a virtual surrender of interests and rights essential to the prosperity and independence of the nation confided to its protection, it has been compelled to discharge its high duty by an appeal to arms. While, however, it regards this course as the only one which remained for it to pursue, with a hope of preserving any portion of that kind of character which constitutes the vital strength of every nation; yet, it is still willing to give another proof of the spirit which has uniformly distinguished its proceedings, by seeking to arrest, on terms consistent with justice and honor, the calamities of war.— It has, therefore, authorized me to stipulate with his Britannic Majesty's government an armistice, to commence at or before the expiration of sixty days after the signature of the instrument providing for it, on condition that the orders in council be repealed, and no illegal blockades be substituted to them, and that orders be immediately given to discontinue the impressment of persons from American vessels, and to restore the citizen of the United States already impressed; it being moreover well understood, that the British government will assent to enter into definitive arrangements, as soon as may be, on those and every other difference, by a treaty to be concluded either at London or Washington, as, on an impartial consideration of existing circumstances shall be deemed most expedient.

As an inducement to Great Britain to discontinue the practice of impressment from American vessels, I am authorized to give assurance that a law shall be passed (to be reciprocal) to prohibit the employment of British seamen in the public or commercial service of the United States.

It is sincerely believed, that such an arrangement would prove more efficacious in securing to Great Britain her seamen, than the practice of impressment, so derogatory to the sovereign attributes of the United States, and so incompatible with the personal rights of their citizens. [This proposition was rejected by the British Cabinet.]

REPORT

Of the Committee of Foreign Relations,

In the House of Representatives of the United States, Jan. 29, 1813.

EXTRACTS.

The U. States having engaged in the war for the sole purpose of vindicating their rights and honor, that motive alone should animate them to its close. It becomes a free and virtuous people to give an useful example to the world. It is the duty of a representative government to render a faithful account of its conduct to its constituents. A just sensibility to great and unprovoked wrongs and indignities will justify an appeal to arms; an honorable reparation should restore the blessings of peace; every step which they take, should be guided by a sacred regard to principle.

Your committee has seen with much satisfaction that at the moment of the declaration of war, the attention of the Executive was engaged in an effort to bring it to a speedy and honorable termination. As early as the twenty-sixth of June last, the Charge des Affairs of the U. States at London was instructed to propose to the British government an armistice, to take an immediate effect, on conditions which it believed the impartial world will consider safe, honorable and advantageous to G. Britain. They were few in number and limited to positive wrongs daily practised. That the orders in council should be repealed, and that

our flag should protect our seamen, were the only indispensable conditions insisted on. Other wrongs, however great, were postponed for amicable negotiation. As an inducement to the British government to forbear these wrongs, it was proposed to repeal the non-importation law, and to prohibit the employment of British seamen, in the public and private vessels of the U. States; particular care was taken that these propositions should be made in a form as conciliatory, as they were amicable in substance.

Your committee cannot avoid expressing its astonishment at the manner in which they were received. It was not sufficient to reject the proposed armistice; *terms of peculiar reproach and insult were adopted to make the rejection offensive.*

It happened, that almost on the same day, in which the U. States, after having been worn out with accumulated wrongs, had resorted to the last and only remaining honorable alternative in support of their rights, the British government had repealed, **CONDITIONALLY**, its orders in council. That measure was unexpected, because every application for it had failed, although repeated to the very moment it was decided on. Conditional as the repeal was, it was admitted to have removed a great obstacle to accommodation.

The other only remained: the practice of impressment. It was proposed to the British government to open an amicable negotiation to provide a substitute to it, which should be considered an ample equivalent. The substitute proposed was defined, and of a character so comprehensive, as to have removed, as was presumed, every possible objection to an accommodation. The proposition before made to exclude British seamen from our service *was enlarged, so as to comprehend all native British subjects not already naturalized or entitled to naturalization under the laws of the U. S.; this was likewise rejected.*

Your committee have sought with anxiety some proof of a disposition in the British government, to accommodate on any fair condition the important difference between the two nations, relative to impressment, but they have sought in vain; none is to be found either in the communications of the British minister to the American Charge des Affairs at London, or in those of the commander of the British naval forces at Halifax made by order of his government to the Department of State. They have seen with regret, that although Lord Castlereagh professed a willingness in his government to receive and discuss amicably any proposition having in view either to check abuse in the practice of impressment or to provide a substitute to it, he not only declined entering into a negotiation for the purpose, but *discountenanced the expectation that any substitute could be proposed, which his government would accept.* It merits notice also, though it ceased to be a cause of surprize, that in the communication of Admiral Warren to the Department of State, the subject of impressment was not even alluded to.

Had the Executive consented to an armistice on the repeal of the orders in council, without a satisfactory provision against impressment, or a clear and distinct understanding with the British government to that effect, in some mode entitled to confidence, your committee would not have hesitated to disapprove it.

The impressment of our seamen being deservedly considered a principal cause of the war, the war ought to be prosecuted until that cause be

removed. To appeal to arms in defence of a right and to lay them down without securing it, or a satisfactory evidence of a good disposition in the opposite party to secure it, would be considered in no other light, than a relinquishment of it. To attempt to negotiate afterwards, for the security of such right, in the expectation that any of the arguments, which have been urged before the declaration of war and been rejected, would have more weight, after that experiment had been made in vain, would be an act of folly which would not fail to expose us to the scorn and derision of the British nation and of the world.

On a full view therefore of the conduct of the Executive in its transactions with the British government since the declaration of war, the committee consider it their duty to express their entire approbation of it. *They perceive in it a firm resolution to support the rights and honor of their country, with a sincere and commendable disposition to promote peace, on such just and honorable conditions as the U. S. may with safety accept.*

It remains therefore for the U. States to take their final attitude with G. Britain, and to maintain it with consistency, and with unshaken firmness and constancy.

The British government has insisted that every American citizen should carry with him the evidence of his citizenship, and all those not possessed of it might be impressed. This criterion, if not otherwise objectionable, would be so, as the document might be lost, destroyed or taken from the party to whom it was granted, nor might it in all cases be entitled to respect, as it might be counterfeited, transferred, or granted to improper persons. But this rule is liable to other and much stronger objections. On what principle does the British government claim of the U. States so great and shameful a degradation? *Ought the free citizens of an independent power to carry with them on the main ocean, and in their own vessels, the evidence of their freedom? And are all to be considered British subjects and liable to impressment who do not bear with them that badge? Is it not more consistent with every idea both of public as well as of private right, that the party setting up a claim to any interest, whether it be to persons or property, should prove his right? What would be the conduct of G. Britain under similar circumstances? Would she permit the public ships of any other power, disregarding the rights of their flag, to enter on board her merchant vessels, take from them such part of their crews, as the boarding officers thought fit, often her own subjects, exposing by means thereof their vessels to destruction? Would she suffer such an usurpation to derive any sanction from her patient forbearance?*

With the British claim to impress British seamen, the U. States have no right to interfere, provided it be in British vessels or any other than those of the U. States. *That American citizens should be exempt from its operation, is all that they demand.* Experience has shewn that this cannot be secured otherwise, than by the vessel in which they sail. *Take from the American citizens this barrier, which ought to be held sacred, and there is nothing to protect them against the rapacious grasp of the British navy.* This then is the extent of the demand of the U. States, a demand so just in itself, so consistent and inseparable from their rights, as an independent nation, that it has been a cause of astonishment, that it should ever have been called in question. The foundation of the British claim is, that British seamen find employment in the service of the U. States; this is represented as an evil affecting essentially the great interests of

the British nation. This compliment would have more weight if sanctioned by the British example. It is known on the contrary, that it is in direct repugnance to it. G. Britain does not scruple to receive into her service all who enter into it voluntarily. If she confined herself within that limit, the present controversy would not exist. Heretofore she subjects of even the most despotic powers have been left at liberty to pursue their own happiness, by honest industry, wherever their inclination led them.

The British government refuses to its seamen that privilege. Let not this, then, be a ground of controversy with that nation. Let it be distinctly understood, that in case of an arrangement should be made between the two nations, whereby each should exclude from its service the citizens and subjects of the other, on the principles and conditions above stated, that this house will be prepared, so far as depends on it, to give it effect, and for that purpose to enact laws, with such regulations and penalties as will be adequate. With this pledge, it is not perceived on what ground the British government can persist in its claim. If British seamen are excluded from the service of the U. States as may be effectually done, the foundation of the claim must cease. When it is known that not one British seaman could be found on board American vessels, it would be absurd to urge that fact as a motive for such impressment.

In declaring a willingness to give effect to the proposed arrangement, your committee consider it equally the duty of the house to declare, in terms the most decisive, that should the British government still decline it, and persevere in the practice of impressment from American vessels, the U. States will never acquiesce in that practice, but will resist it unflinchingly with all their force. It is not necessary to inquire what the course would have been with respect to impressment, in case the orders in council had been repealed before the declaration of war—or how long the practice of impressment would have been borne, in the hope that that repeal would be followed by a satisfactory arrangement with respect to impressment.

War having been declared, and the case of impressment being necessarily included as one of the most important causes, it is evident that it must be provided for in the pacification. *The omission of it in a treaty of peace, would not leave it on its former ground: it would in effect be an absolute relinquishment, an idea at which the feelings of every American must revolt. The seamen of the U. S. have a claim on their country for protection, and they must be protected.* If a single ship is taken at sea, and the property of an American citizen arrested from him unjustly, it rouses the indignation of the country. How much more deeply then ought we to be excited, when we behold so many of this gallant and highly meritorious class of our fellow citizens snatched from their families and country, and carried into a cruel and afflicting bondage. It is an evil which ought not, which cannot be longer tolerated. Without dwelling on the sufferings of the victims, or on the wide scene of distress which it spreads among their relatives through the country, the practice is in itself in the highest degree degrading to the U. States as a nation. It is incompatible with their sovereignty—it is subversive of the main pillars of their independence. The forbearance of the U. States under it has been mistaken for pusillanimity.

The British pretension was maturing fast into a right. Had resistance

been longer delayed, it might have become one. Every administration remonstrated against it, in a tone which bespoke the growing indignation of the country. Their remonstrances produced no effect. It was worthy the illustrious leader of our armies, when called by the voice of his country to the head of the government, to pause, rather than recommend to his fellow-citizens a new war, before they had recovered from the calamities of the late one. It was worthy his immediate successors to follow his example. In peace our free system of government would gain strength, and our happy union become consolidated. But at the last session, the period had arrived when forbearance could be no longer justified. It was the duty of Congress to take up this subject in connexion with the other great wrongs of which they complained, and to seek redress in the only mode which became the representatives of a free people.—They have done so by appealing to arms, and that appeal will be supported by their constituents.

Your committee are aware that an interesting crisis has arrived in the U. States, but they have no painful apprehension of its consequences. The course before them is direct. It is pointed out equally by a regard to the honor, the rights and interests of the nation. If we pursue it with firmness and vigor, relying on the aid of heaven, our success is inevitable. Our resources are abundant; the people are brave and virtuous, and their spirit unbroken. The gallantry of our infant navy bespeaks our growing greatness on that element, and that of our troops when led to action inspires full confidence of what may be expected from them when their organization is complete. Our union is always most strong when menaced by foreign dangers. The people of America are never so much one family as when their liberties are invaded.

A BILL for the regulating of seamen on board the public vessels, and in the merchant service of the United States.

EXTRACTS OF THE MOST IMPORTANT SECTIONS.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the termination, by treaty of peace, of the war in which the United States are now engaged with Great Britain, it shall not be lawful to employ as seamen, or otherwise on board of any public vessel of the United States, or of any vessel owned by citizens of the United States, or sailing under their flag, any person or persons, except natural born citizens of the United States, or citizens of the United States at the time of such treaty being made and concluded, or persons who being resident within the United States, at the time of such treaty, and having previously declared, agreeable to existing laws, their intention to become citizens of the U. States, shall be admitted as such within five years thereafter, in the manner prescribed by law.

Be it further enacted, That from and after the time as aforesaid, when this act shall take effect, the consuls or commercial agents of any nation at peace with the United States, shall be admitted (under such regulations as may be prescribed by the President of the United States) to state their objections to the proper commander or collector as aforesaid, against the employment of any seaman or seafaring man on board of any public or private vessel of the United States, on account of his being a native subject or citizen of such nation, and not embraced within the description of persons who may thus be lawfully employed, according to the provisions of this act; and the said consuls or commercial agents shall also be admitted under the said regulations, to be present at the time when the proofs of the nativity or citizenship of the persons, against whom such objections

may have been made, shall be investigated by such commander or collector.

And be it further enacted, That if any commander of a public vessel of the United States, shall employ, or permit to be employed, or shall admit or receive, or permit to be admitted, or received on board his vessel, any person whose employment or admission is prohibited by the provisions of this act, he shall, on conviction thereof, forfeit and pay the sum of one thousand dollars for each person thus unlawfully employed, or admitted on board such vessel.

And be it further enacted, That the provisions of this act, shall have no effect or operation with respect to the employment as seamen, of the subjects or citizens of any foreign nation, which shall not have forbidden on board her public and private vessels the employment as seamen or otherwise of native citizens of the United States; or who shall permit the commanders of her public vessels to impress or take away from on board any vessel sailing under the flag of the United States, any seaman or any other person, not being a soldier or otherwise in the employment of an enemy of such nation.

REMARK.

It is a little remarkable that this Bill, whose only object and tendency is a restoration of peace with England, should have been prepared by the *Republican* Committee of Foreign Relations; and that in the House of Representatives, it was supported and passed by a large majority of *Republican* members. And, when the bill was considered in the Senate a *federal* member* moved a postponement to the next Congress, which is well known to mean, in other words, a total rejection of it; and, upon that question, strange as it may appear, *every member of the Federal party voted against the bill.* And is not this demonstration, that at least many of the Federalists, contrary to their professions, are not the friends of peace; and that the republicans are desirous of an accommodation with England, so soon as it can be made, without a sacrifice of the vital interests and honor of the American Republic. The bill, however, passed in the Senate, notwithstanding Federal opposition.

*Mr. LLOYD from Massachusetts.

Extracts from Mr. CLAY'S Speech, in the last Congress, on the new Army Bill.

The war was declared because Great Britain arrogated to herself the pretension of regulating our foreign trade, under the delusive name of retaliatory orders in council—a pretension by which she undertook to proclaim to American enterprize, “Thus far shalt thou go, and no farther,”—orders which she refused to revoke after the alledged cause of their enactment had ceased; because she persisted in the practice of impressing American seamen; because she had instigated the Indians to commit hostilities against us; and because she refused indemnity for her past injuries upon our commerce. I throw out of the question other wrongs. The war in fact was announced, on our part, to meet the war which she was waging, on her part. So undeniable were the causes of the war—so powerful did they address themselves to the feelings of the whole American people, that when the bill was pending before this House, gentlemen in the opposition, although provoked to debate, would not, or could not, utter one syllable against it. It is true they wrapped themselves up in fullen silence, pretending that they did not choose to debate such a question in secret session. Whilst speaking of

the proceedings on that occasion, I beg to be permitted to advert to another fact that transpired—an important fact, material for the nation to know, and which I have often regretted had not been spread upon our journals. My honorable colleague (Mr. M'Kee) moved, in committee of the whole, to comprehend France in the war; and when the question was taken upon the proposition, there appeared but ten votes in support of it, of whom *seven belonged to this side of the House, and three only to the other.**

I am far from acknowledging, that had the orders in council been rescinded, as they have been, before the war was declared, the declaration would have been prevented. In a body so numerous as this, from which the declaration emanated, it is impossible to say with any degree of certainty, what would have been the effect of such a repeal. Each member must answer for himself. I have no hesitation then in saying, that I have always considered the impressment of American seamen as much the most serious aggression. But, sir, how have those orders at last been repealed? Great Britain, it is true, has intimated a willingness to suspend their practical operation, but she still arrogates to herself the right to revive them upon certain contingencies, of which she constitutes herself the sole judge. She waves the temporary use of the rod, but she suspends it in terrorem over our heads. Supposing it was conceded to gentlemen, that such a repeal of the orders in council as took place on the 23d of June last, exceptionable as it is, being known before the war, would have prevented the war, does it follow that it ought to induce us to lay down our arms, without the redress of any other injury? Does it follow, in all cases that that which would have prevented the war, in the first instance, should terminate the war? By no means. It requires a great struggle for a nation, prone to peace as this is, to burst through its habits and encounter the difficulties of war.—Such a nation ought but seldom to go to war. When it does, it should be for clear and essential rights alone, and it should firmly resolve to extort, at all hazards, their recognition.

The war of the revolution is an example of a war began for one object and prosecuted for another. It was waged, in its commencement, against the right asserted by the parent country to tax the colonies. Then no one thought of absolute independence. The idea of independence was repelled.—But the British government would have relinquished the principle of taxation. The founders of our liberties saw, however, that there was no security short of independence, and they achieved our independence. When nations are engaged in war, those rights in controversy, which are not acknowledged by the treaty of peace, are abandoned. And who is prepared to say that American seamen shall be surrendered, the victims to the British principle of impressment? And, sir, what is this principle? She contends that she has a right to the services of her own subjects; that, in the exercise of this right, she may lawfully impress them, even although she finds them in our vessels, upon the high seas, without her jurisdiction. Now, *I deny that she has*

* Seven Republicans and three Federalists.

any right without her jurisdiction, to come on board our vessels upon the high seas, for any other purpose but in pursuit of enemies, or their goods, or goods contraband of war. But she further contends, that her subjects cannot renounce their allegiance to her and contract a new obligation to other sovereigns. I do not mean to go into the general question of the right of expatriation.† If, as is contended, all nations deny it, all nations at the same time admit and practice the right of naturalization. G. Britain herself does. G. Britain, in the very case of foreign seamen, imposes, perhaps, fewer restraints upon naturalization than any other nation. Then, if subjects cannot break their original allegiance, they may, according to universal usage, contract a new allegiance. What is the effect of this double obligation? Undoubtedly that the sovereign having the possession of the subject would have the right to the services of the subject. If he return within the jurisdiction of his primitive sovereign, he may resume his right to his services, of which the subject by his own act, could not divest himself. But this primitive sovereign can have no right to go in quest of him, out of his own jurisdiction, into the jurisdiction of another sovereign or upon the high seas, where there exists either no jurisdiction, or it belongs to the nation owning the ship navigating them. But, sir, this discussion is altogether useless. It is not to the British principle, objectionable as it is, that we are alone to look—it is to her practice—no matter what guise she puts on.—It is in vain to assert the inviolability of the obligation of allegiance.—It is in vain to set up the plea of necessity, and to alledge that she cannot exist without the impressment of HER seamen. The naked truth is, she comes, by her press-gangs, on board of our vessels, seizes OUR native seamen, as well as naturalized, and drags them into her service. It is the case, then, of the assertion of an erroneous principle—and a practice not conformable to the principle—a principle which, if it were theoretically right must be for ever practically wrong. We are told, by gentlemen in the opposition, that government has not done all that was incumbent on it to do, to avoid just cause of complaint on the part of Great Britain—that, in particular, the certificates of protection, authorised by the act of 1796, are fraudulently used.—Sir, government has done too much in granting those paper protections. I can never think of them without being shocked. They resemble the passes which the master grants to his negro slave, “Let the bearer, Mungo, pass and repass, without molestation.” What do they imply? That Great Britain has a right to take all who are not provided with them. From their very nature they must be liable to abuse on both sides. If Great Britain desires a mark by which she can know her own subjects, let her give them an ear mark. The colors that float from the mast head should be the credentials of our seamen. There is no safety to us, and the gentlemen have shewn it, but in the rule that all who sail under the flag (not being enemies) are protected by the flag. It is impossible that this country should ever abandon the gallant tars, who have won for us such splendid trophies.

† See Note at the end of the pamphlet for authorities on the right of Expatriation.

REMARK.

The pretended claim of Great Britain to Impress men on board of our ships at sea, is so totally groundless in principle, that it excites the ridicule even of her own subjects. As evidence of this, the following is extracted from the late writings of a distinguished politician of that country :—

“ We have heard (says he) much talking about these maritime rights of Great Britain ; but I have never yet heard one man clearly state what he means by them. The American Government say, that we have *no right to stop their vessels at sea, and take people out of them ;* and I say that this is a right that Great Britain *never before conceded for ;* and I defy any man to shew that any neutral nation in the world ever submitted to such a practice, or that such a practice was ever attempted.”

If the subjects of Britain be her slaves, let her treat them as such. In the language of our Speaker in Congress, “if she desire a mark, by which she can know them, let her give them an ear mark. The colors that float from the mast head should be the credentials of *our* seamen.”

The practice of enslaving our citizens by impressment, and of requiring written protections about their persons, are marks of *national degradation*, to which America ought not, and can not, longer submit. She has once caused her Independence to be *acknowledged*, and she is now impatient to be free in reality, and to assume her *equal rank* among the nations of the earth. And we trust in God ! there is a redeeming spirit in the people, which, having once triumphed over England, will not stop short at the acquisition of *half their Independence*. This badge of vassalage must be thrown off ; this stain upon our national honor must be wiped away ; and the time will come, and is fast approaching, when the American name will be respected throughout the world ; when our mariners shall sail the ocean without any other protection than the flag that flies over them ; and when the exclamation “*I am an American citizen*” shall ensure, in all parts of the globe, freedom and safety to every member of this extensive and growing republic.

NOTE—to page 28.

The following are some among the numerous authorities, proving the natural and unalienable right of *Expatriation* :

An opinion upon the subject of naturalization has been *formally* and *judicially* pronounced in the Supreme Judicial Court of the U. States, in the case of *Talbot vs. Janfon*, as follows—

JUDGE IREDELL.—“Perhaps it is not necessary that it (right of expatriation) should be expressly decided on this occasion, but I will freely express my sentiments on that subject. That *a man ought not to be a slave*, that he should not be confined against his will to a particular spot, because he happened to draw his first breath upon it ; that he should not be compelled to continue in a society, to which he is accidentally attached, when he can better his situation elsewhere, much less when he must starve in one country, and may live comfortably in another, are positions which I hold as strongly as any man, and they are such as most nations in the world appear clearly to recognize.”

It appears from history, that the *Right of Expatriation* was clearly acknowledged and established among the most antient nations.

The law of the Republic of Athens, extracted from Potter's *Gr. An. b. 1, ch. 26*.

“It is permitted to every Athenian, after having become acquainted with the laws and customs of the Republic, if he dislike them, to retire with his family and goods.”

Law of Rome, extracted from the writings of Cicero, the Orator :

“*Glorious and divine right*, which we have received from our ancestors and which is coeval with the Roman name, that no one of us can be a citizen of more than one commonwealth, (since different states must of necessity have different laws) that none should be compelled to change his country against his will ; and *none against his will to remain in it.*—*This is the firmest foundation of our liberty, that EVERY ONE IS FREE TO RETAIN OR DIVEST HIMSELF OF THE RIGHTS OF CITIZENSHIP !*

Extract from the JUSTINIAN CODE—Dig. Lib. 49. tit. 15.

“*Every one is free to decide for himself to what country he will belong.*”

These three authorities are sufficiently conclusive, as to the laws and practices of the antients—And with the antients agree *all* the modern writers of any eminence upon the law of nature and nations.

Extract from *Puffendorf*, b. 3. ch. 9. sec. 3.

“It is impossible that the same subject should be capable of

two obligations of the same nature." It has been justly concluded, therefore, that "Naturalization necessarily annuls his first allegiance."

Extracts from Vattel, b. 1, ch 19.

"A nation or sovereign, who represents it, may grant to a stranger the quality of a citizen, by admitting him into the body of the political society. This is called naturalization."

"Every man is born free, the son of a citizen, arrived at years of discretion, may examine whether it be convenient for him to join in the society for which he was destined by his birth. If he finds that it will be of no advantage to him to remain in it, he is at liberty to leave it, making a return for what is done in his favor, and preserving as much as his new engagements will allow him the sentiments of love and gratitude he owes it.

"If the sovereign attempts to stop those, who have the right of emigration, he does them an injury, and they may lawfully implore the protection of the power, who would receive them.

"It appears from several historical facts, particularly in the history of Switzerland and the neighboring countries, that the law of nations established there by custom for some ages past, does not permit a state to receive the subjects of another into the number of its citizens. THIS VICIOUS CUSTOM HAD NO OTHER FOUNDATION THAN THE SLAVERY TO WHICH THE PEOPLE WERE THEN REDUCED. A prince, a Lord, considered his subjects in the rank of his property and riches, he calculated their number as he did his flocks; and to the disgrace of human nature this strange abuse is not yet every where destroyed."

From Grotius, lib. 1. ch. 3. sec. 41.

"It is no violation of amity, to receive subjects individually, who are desirous of emigrating from one country to another. This, as we have formerly shewn, is not only a natural but a salutary liberty."

According to Bynkershook—In every country that is not a prison, the right of expatriation is recognized and allowed.